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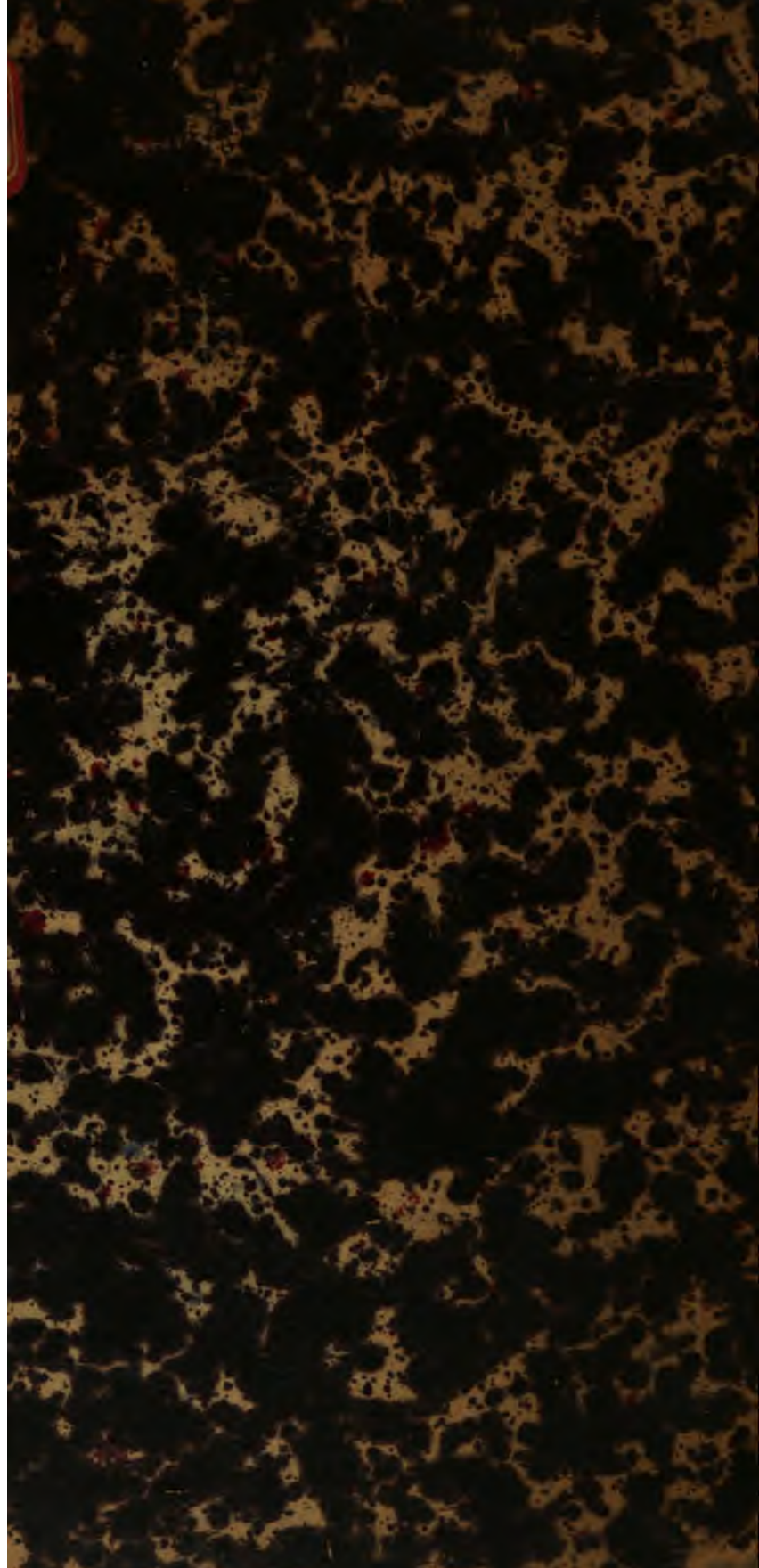
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JOHN HURD.

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The Author

BIOGRAPHICAL SKETCH.

The history of that section of New Hampshire now embraced within the limits of Grafton county, during the Revolutionary and pre-Revolutionary period, possesses an interest vastly greater than ordinarily attaches itself to local history. The settlers of this section were of that honest, fearless, intelligent stock which has, by its independence of thought and action, won for New England its grand place in history. When difficulties arose between the colonies and Great Britain, no more patriotic people were anywhere found than the settlers of the Cohos country—none who made greater sacrifices for the common cause of a common country; and yet they occupied the unique position of being not only rebels against the authority of King George, but rebels also against the authority of the state of New Hampshire, whose only reason for statehood was its revolt against British domination. The history of any one of the prominent Grafton county participants in this struggle is naturally one of great interest to the student of politics and the science of self-government; but that of one, who, while preëminent in his devotion to the common colonial cause, was likewise no less devoted to the cause of the state of New Hampshire in opposition to an overwhelming local senti-

ment, is doubly interesting. Such an interest attaches itself to the career, while a resident of Grafton county, of John Hurd, the subject of this sketch. From about the year 1769 to the latter part of 1778 he was one of the most prominent, and, for much of the time certainly, one of the most influential citizens of the Upper Cohos country, erected by the colonial authorities, in the year 1771, into the county of Grafton. He comes into prominence suddenly, and as suddenly, for causes which it will be the purpose of this paper to trace, relapses into obscurity; but the period of his activity was one of such importance not only in the annals of the state and nation, but especially in those of the county, that his story is one of unusual interest and importance.

Somewhat diligent and careful research reveals but little authentic of his career, either previous or subsequent to the period in question; but that little is of importance as explaining some things that might otherwise be obscure concerning his attitude towards the questions that vexed the Connecticut valley towns of Grafton county during the stormy and trying period of the War of the Revolution. He was a native of Boston, a descendant of John Hurd, who settled in that town some time during the first decade of its history. His father, Jacob Hurd, was a goldsmith by trade, and, from some incidental references to him in the early Boston records, appears to have been a man of some property and influence. He married, May 20, 1725, Elizabeth Mason, who bore him, after the custom of those good old days, ten children,—Jacob, born March 1, 1726; John, born December 9, 1727; Nathaniel, born 1729; Elizabeth, born March 17, 1730; Prudence, born August, 1732; Prudence, 2d,

born August 25, 1733 ; Anne, born April 5, 1735 ; Sarah ; Benjamin ; Mary.

Nathaniel was bred to his father's trade, that of goldsmith and engraver. He was not only skilful in his trade, but was one of the first engravers on copper in the colonies ; and engraved the seal of Harvard college. He probably never married. He died in 1777 ; and his will mentions his brothers, Jacob of Halifax, John, and Benjamin. There is no trace on the Boston records of the latter, and these circumstances may account for the difficulty found in tracing the descendants of Jacob Hurd, the goldsmith, except through his son John. The latter was educated at Harvard college, graduating in the class of 1747, the eighteenth in a list of twenty-eight. One of his classmates was William Ellery, of Rhode Island, one of the signers of the Declaration of Independence. Just what profession he entered after leaving college is uncertain, but it is more than probable that he remained for some years in Boston. He is named as of Boston, August 18, 1758, when administration was granted him on his father's estate ; and the settlement of this must have occupied some time subsequent to this date. It is also uncertain when he went to New Hampshire, but it is not improbable that he went to Portsmouth at or a little previous to the beginning of the administration of John Wentworth, in 1767. This young governor called about him a most able set of men ; and from the numerous grants of land which he made to John Hurd in towns in the northern part of the state, it is evident that he regarded him with high favor.

Just when he settled in Haverhill is still again uncertain. The town was settled in 1765, but Hurd does not

appear to have been one of the original proprietors. Grant Powers, in his "History of the Coös Country," says (page 90),—Hurd "came to Haverhill at an early period of its settlement from Portsmouth, and lived a little north of Moses Southard's, on the old Porter place at Horse Meadow. He came first to Charlestown, thence up the river, as most others did. He brought a valuable cow from Portsmouth, and turned her loose into the meadow, and she strayed away; and after much searching was found in her old yard at Portsmouth."

Hurd must have passed much of his time at Portsmouth. He was there in May, 1770, when he purchased the second division of the excise for the sum of £70, though it appears that Samuel Blodgett, who at the same sale purchased the first and third divisions, gave bond for Hurd's purchase. In 1772 he held the position of receiver-general of quit rents, and the duties of this office must have kept him at the seat of government.

Although Grafton county was incorporated in 1771, no courts were then established nor county officers appointed; but for judicial and other kindred purposes the county was treated as a part of Rockingham. In the mean time the proprietors or inhabitants of various towns made efforts to secure the establishment of courts of record and the fixing of a county seat. For example: The towns of Lyme and Orford appointed Alexander Phelps and Israel Morey agents to petition the general assembly that one of these towns be designated as the place for holding half the courts of record; but when they presented their petition, in June, 1773, John Hurd appeared in behalf of the towns of Haverhill, Bath, Lyman, and Gunthwaite (now Lisbon), asking that Haverhill be made the shire town

of the county. "Legislative agents," however, as at the present, did not serve gratuitously at that time, as the action taken by the proprietors of the town of Haverhill indicates. The fourth and fifth articles in the warrant for the proprietors' meeting, to be held May 12, 1772, were "to see if the proprietary will choose one or more agents to petition the general assembly that part or all the courts for the county of Grafton should be held in Haverhill;" and also "to see what encouragement or premium they will offer said agent or agents in case he or they should succeed in procuring the establishment of said court or courts as aforesaid." At the meeting it was voted that John Hurd, Esq., be the agent; and as for the matter of "encouragement," it was agreed, with but one dissenting vote, "to give John Hurd, Esq., one thousand acres of land in the undivided land in the township of Haverhill, and that he shall have liberty to pitch it in a square form in any part of the undivided land in said township, upon condition that he should succeed and obtain half the inferior courts for the county of Grafton, and one superior court for said county, to be held at Haverhill." Hurd was doubtless at this time at Portsmouth, since at this same meeting the proprietors voted "that Asa Porter, Esq., shall take the earliest method to send a copy of the last mentioned vote to Portsmouth." The proprietors were evidently wise in their selection of Hurd, "and were confident of the success of his mission, since at their meeting, held March 25, 1773, they proceeded to fix the site of the court-house and jail, and make ready for the erection of suitable buildings. They voted "to clear and level a piece of ground twenty rods square, and a road two rods wide and two hundred rods

long, which shall be laid down on the Plain in Haverhill opposite the great Ox-Bow, to accommodate court-house and gaol, and the committee to lay out and mend roads in Haverhill are hereby directed to complete said work as soon as may be."

Subsequent events show that Hurd was successful in the mission entrusted to him, and that he made a very efficient agent for the towns that employed him to take care of their interests before the legislature. It may not be amiss to note, in passing, that gratitude then, as now, was often "a lively sense of favors to come;" and that Hurd, like many of his successors in the business of influencing legislation, discovered that it was best to receive a portion at least of the "encouragement" offered, before the entire service bargained for was performed.

The courts were established, and Haverhill was made a shire town in 1773, but the warrant for the Haverhill proprietors' meeting, held February 25, 1774, contained the following significant article: "To see if the proprietors will bear their proportion with Asa Porter, Esq., Capt. John Hazen, Deacon James Abbott and Andrew Savage Crocker, Esq., of the thousand acres of land which they voted to John Hurd, Esq., or any part of it." At the meeting, "put to vote, and passed in the negative;" "tried by a vote if they will bear any part of it, and passed in the negative." It seems from this that Hurd claimed the land promised him, and it also appears that Asa Porter and the others mentioned were willing to join with proprietors in meeting his claim. He evidently did not suffer it to drop as a result of this vote, since nearly six years later, December 28, 1779, the proprietors took final action in the matter, and voted that the thousand acres of

land claimed by Col. John Hurd be laid out into lots by the committee chosen to lay out the third division of land, and that these be drawn as other land by the proprietors.

In February, 1773, Hurd was appointed recorder of deeds and conveyances of real estate for the county of Grafton, the bond required being in £2,000 lawful money. He was reappointed in May of the same year, and again in May, 1774, 1775, holding the office until he left the state, as before stated.

On the 18th of May, 1773, John Hurd, Moses Little (of Campton), Asa Porter, and Bezaleel Woodward, Esqs., were nominated by His Excellency Governor Wentworth, and the same day confirmed by the council, as justices of his majesty's inferior court for the county of Grafton. This same year, also, the newly established Dartmouth college honored the new chief-justice with the honorary degree of A. M. This Grafton court was one of marked ability. Its dockets, during the short period that intervened between its organization and the setting up of a state government, are, however, of very moderate proportions. Matters of great public importance demanded and received the attention of the inhabitants of the county to the exclusion of such litigation as would naturally have come before "His Majesty's Inferior Court."

Affairs in the colonies were rapidly approaching a crisis. Governor Wentworth, who, when the questions arose which eventually led to the open rebellion of the province, chose the side of the king rather than that of the people, maintained himself in nominal authority till September, 1775, when he sailed away from Portsmouth in a British frigate. He had been the patron of Hurd,

and in grants of land, and in various other ways, had shown him his favor. The influence of Hurd with his majesty's government at Portsmouth had doubtless been greater than that of any other man in Grafton county; but when it came to a choice between the cause of the colony and that of the king, he did not for a moment hesitate, and refused to follow his patron. So pronounced was his position, that when the Provincial Congress, which was in session at Exeter, determined in June, 1775, that John Fenton was no longer to be trusted with the records of Grafton courts, it ordered¹ that they be placed with Col. John Hurd for safe keeping, appointing a committee of six to take them from the custody of Fenton. Hurd had now for some time, in addition to his other duties, served as colonel of the regiment of militia, which had been raised in the Cohos country for purposes of defence.

In July, 1775,² he was made, by the congress, chairman of a committee to receive from Attorney-General Samuel Livermore certain sums of money received from foreign vessels entering the port of Piscataqua, which had been paid by the executor of the will of the late Governor Benning Wentworth to the attorney-general, and which had been appropriated for the purchase of powder for the colony. Col. Hurd's name does not appear in the published list of members of the Fourth Provincial Congress; but under date of July 27, 1775,³ he wrote from Haverhill to Hon. Matthew Thornton "as a member of the Provincial Congress," introducing an Indian from Montreal, whom he vouched for as possessing relia-

¹ Provincial Papers, vol. 7, p. 544.

² Provincial Papers, vol. 7, pp. 553, 554.

³ Provincial Papers, vol. 7, p. 569.

ble information concerning the disposition of the regular troops in Canada, and whom he sent to Exeter under escort of Col. Bailey. Shortly after this, August 24, Israel Morey, Esq., of Orford, was appointed by the congress¹ "colonel of the regiment lately commanded by Col. John Hurd."

The first four provincial congresses had been irregular, revolutionary bodies, and some of their sessions were held at Exeter at the same time that the Colonial Assembly was in session at Portsmouth. When, therefore, Governor Wentworth took his departure, the province was left without any civil constitution. The Continental Congress was therefore petitioned to give the people instructions how to proceed in this exigency; and, in response, it recommended, November 5, 1775, the calling of "a full and free representation of the people, and that the representatives, if they think it necessary, establish such a frame of government as, in their judgment, will best produce the happiness of the people, and most effectually secure peace and good order in the province during the continuance of the dispute between Great Britain and the colonies." Anticipating some such advice as this, the revolutionary body, in session at Exeter, issued precepts for the election of a full representative congress, specifying that the members² "be empowered by their constituents to prosecute such measures as they may deem necessary for the public good; and in case there should be a recommendation from the Continental Congress for this colony to assume government in any way that will require a house of representatives, that then said congress for this

¹ Provincial Papers, vol. 7, p. 578.

² "New Hampshire Grants," by John L. Rice. Magazine American History, vol. 8, p. 9.

colony be empowered to resolve itself into such a house as be recommended, and remain as such for the term of one year."

The basis of representation adopted in issuing these precepts was a numerical one, based upon a census which had been taken that same year—an apportionment destined to cause a great deal of trouble, although in most respects a just one. Except in the case of the town of Hanover, and five other towns classed with it for the choice of a representative, there appears to have been no objection to this plan; and the other constituencies chose their representatives. With the town of Haverhill were classed Bath, Lyman, Gunthwaite, Landaff, and Morristown; and these chose Col. Hurd as their representative to the congress which met at Exeter December 21, 1775.

With the beginning of the session of this body commences what was perhaps the most important year of Col. Hurd's service to New Hampshire. The year 1776 was certainly, with him, one in labors and responsibilities abundant. He must have exerted an important influence in directing affairs to their consummation; and from the beginning he took a prominent part in the proceedings of the congress. He was seventh on the committee of thirteen,¹ appointed December 26, 1775, "to draw up a plan of government during the contest with Great Britain; and to him, with Matthew Thornton, Meshech Weare, Mr. Secretary Thompson, Wyseman Claggett, Benjamin Giles, Phillips White, Israel Morey, James Britton, Noah Emery, Jonathan Blanchard, and Jonathan Lovewell, belongs the lasting honor of having framed the first form of civil compact or constitution for the government of New

¹ Provincial Papers, vol. 7, p. 703.

Hampshire. December 28, Col. Hurd¹ was appointed chairman of a committee of six to draft a form of oath or obligation to be entered into by members of the house under the new government. Two days later he was chosen² chairman of a committee of five to audit accounts against the colony; and on January 4, 1776, Col. Weare, Col. Hurd, and Mr. Cutts were appointed³ a committee to correspond with Gen. Washington concerning Col. Hobart's treatment at the hands of Gen. Gates.

The first article of the temporary constitution adopted by the congress, and which went into effect January 5, 1776, provided, after resolving itself into a house of representatives of the colony of New Hampshire, "that said house then proceed to choose twelve persons, being reputable freeholders and inhabitants within this colony, in the following manner, viz., five in the county of Rockingham, two in the county of Strafford, two in the county of Hillsborough, two in the county of Cheshire, and one in the county of Grafton, to be a distinct and separate branch of the legislature, by the name of a council, for the colony, to continue as such until the third Wednesday in December next, any seven of whom to be a quorum to do business." Under this provision⁴ Col. Hurd was chosen as the twelfth councillor (for the county of Grafton), and vacated his seat in the house of representatives. The old offices of the counties were regarded as abolished, and the legislature immediately proceeded to establish others. For the county of Grafton Col. Hurd⁵

¹ Provincial Papers, vol. 7, p. 704.

² Provincial Papers, vol. 7, p. 705.

³ Provincial Papers, vol. 7, p. 707.

⁴ Provincial Papers, vol. 8, p. 6.

⁵ Provincial Papers, vol. 8, pp. 13, 18.

was chosen recorder of deeds and conveyances, county treasurer, and first justice of the inferior court of common pleas, Bezaleel Woodward, Israel Morey, and Samuel Emerson, Esqs., being selected as his associates. During this session of the legislature he served on numerous important committees of the council, and was evidently one of the most active and influential members of the upper branch of the legislature. It is worthy of note that June 11, 1776, he¹ was appointed, on the part of the council, first on the committee to draft the declaration of the general assembly for the independence of the united colonies. Among the interests committed to his charge at this session was almost the entire control of the military operations in the Cohos country. He² was to "fix off" all the companies from Cohos, except two from the vicinity of Charlestown, with ten days' provision, "a quart of rum for each man, and six dozen axes," being sent from Exeter for this purpose. He was to receive of the quartermaster 300 pounds of powder, 750 pounds of bullets, and 1200 flints for the use of troops. There was paid him for the troops destined for Canada £350. He was made one of a committee to receive \$10,000 from the Continental congress. Haverhill was made the place of rendezvous for the troops intended for a Canadian expedition; and Col. Hurd, with Col. Morey, was to enlist the companies, muster and pay the soldiers, deliver commissions to persons chosen officers by the soldiers, and give orders to the several companies of rangers, raised to protect the western frontiers, about their scouting route, &c.

Our army in Canada was retreating before the superior

¹ Provincial Papers, vol. 8, p. 139.

² Provincial Papers, vol. 8, pp. 158, 161, 162, 168, 176.

force of Burgoyne, and a state of great alarm existed among the people of the Cohos country. In fact, when Col. Hurd, on the adjournment of the assembly, July 6, started for home, he was met at Concord¹ the next day with the news of the state of fear into which the people of Cohos had been thrown. Among those who had left their homes at Haverhill he found at Concord Mrs. Hurd and part of his family, and he sent back to Exeter an urgent appeal for help. Leaving his wife at Concord, he pressed on to Haverhill to find that the reports which had reached him at Concord had not been exaggerated.

Haverhill had been fortified to some extent, and Bath, Gunthwaite, and the towns above were practically deserted. In a letter to Meshech Weare, dated July 16,² he speaks of some evil-minded persons having proposed, during the recent state of alarm, sending to Gen. Burgoyne, in case speedy assistance did not arrive either from Exeter or Massachusetts, acquainting him with the weak condition of the Cohos country, and asking his protection. Under date of July 27,³ he again writes, stating that the condition of affairs was more favorable, and saying further,—“As to those persons in this quarter who proposed sending to Gen. Burgoyne or into Canada for assistance, we have our eyes upon them, and watch all their motions, but at present think it not prudent to make much stir.” This letter was dated only four days earlier than the famous convention of representatives from the Cohos towns, which met in College hall at Dresden for the purpose of protesting against the author-

¹ Prov. Papers, vol. 8, pp. 298, 299.

² Prov. Papers, vol. 8, p. 306.

³ Prov. Papers, vol. 8, p. 315.

ity assumed to be exercised over them by the Exeter government.

A brief review of the state of affairs which led to this convention, and the attitude which it assumed, may throw some light on the arrest, about the 7th of August, of Col. Asa Porter, by order of Col. Hurd and others, for "practicing things enimical to their country." This state of affairs is very tersely and accurately described by Mr. John L. Rice, in a paper of rare value on "The New Hampshire Grants," published in the *Magazine of American History*, vol. 8, pp. 1-23. The government of none of the colonies had been more arbitrary than that of New Hampshire. A president and council were appointed by royal authority, in 1679, to govern what has since been known in history as the Mason Grant, and the form of government then set up, depending on no written charter, had continued without virtual change till the setting up of the Revolutionary government in 1775-'76. The original province of New Hampshire, as granted to John Mason, was a tract but sixty miles square; but when the royal commission was issued to Benning Wentworth, it described the province as bounded on the west by "our other governments," and on the north in like manner. Wentworth thus not only laid claim to the territory which constitutes the present state of New Hampshire, but also to that embraced within the present boundaries of Vermont; and in obedience to the terms of his commission proceeded to grant townships in this new territory in the king's name, with powers and privileges similar to the Massachusetts and Connecticut towns, from which it was expected that settlers for them would be drawn. The controversy which sprang up between

New York and New Hampshire concerning their claims to jurisdiction over this territory led to the issuance of an order by the king in council, in 1764, establishing the west bank of the Connecticut river as the boundary line between the two provinces. The towns granted in the Connecticut valley, on both sides the river, were many of them rapidly settled, but neither of the Wentworths seems to have taken any pains to make them really a part of the body politic known as the Province of New Hampshire. The provincial government based on royal commission was virtually absolute. "The power of its assembly," says Mr. Rice, "had from the first been circumscribed by the will of the royal governor, and its office had been scarcely more than to register his decrees. Only such towns as he chose to confer the privilege upon had ever been allowed representation in it. In the beginning, in 1680, only four towns were represented, and the precepts sent to them expressly named the electors who were to choose the representatives. Down to the end, in 1775, the list of favored towns had grown to only forty-three, while upwards of one hundred had never had a voice in legislation at all. Only three in all the region to the west and north of the water-shed between the Merrimack and the Connecticut had ever had representatives admitted to seats. One effect of this policy had been that, towards the last, the assembly had become even more exclusive than the governor, and had refused to admit representatives from towns to which he had sent his precepts. Through this aggressive spirit of the assembly, and the mild disposition of Governor Wentworth, the government of the province had, at the period of the Revolution, assumed many of the features of an oligar-

chy. Its controlling spirits were the aristocratic merchants of the sea-port county of Rockingham, which, down to 1770, contained more than half the population of the province."

In speaking of the situation in the Cohos country, the emigrants to which had been almost wholly from Massachusetts and Connecticut towns, Mr. Rice further says,—
 "Among the early settlers in the valley had come a number of men of large wealth and culture, many of them graduates of Yale or Harvard college, who were eminently fitted to mould the institutions of a state, as well as guide its destinies when formed. To the influence of these men was due the location at Hanover, in 1769, of Dartmouth college, then just chartered by the crown, with the privilege of choosing its own habitation. Thus, with President Eleazar Wheelock, there were drawn to Hanover and its immediate vicinity his son and successor, Col. John Wheelock ; his brother-in-law, Bezaleel Woodward, first professor of mathematics in the college ; and a numerous company of other educated and influential men, whose zeal and capacity for public affairs added greatly to the prominence which these river towns had already attained. The college became naturally the centre of political influence in the valley. It acquired further ascendancy in this direction from being given a *quasi* jurisdiction over a three-mile-square district in the midst of which it was located, and which was set off from Hanover and given the name of Dresden. The river was no more than nominally a dividing line between separate provinces. The government of New York was too remote to make itself much felt in the towns on the west side, while that of New Hampshire was scarcely

more than a name to those on the east side. It issued a few commissions to justices of the peace and to militia officers, and exacted a trifling tax in return. But it provided no local courts and little defence against the Indians. Representation in the provincial assembly being entirely at the pleasure of the royal governor, none of the towns outside the Mason Grant, on account of their republican proclivities probably, had, with one or two exceptions, ever been summoned to send delegates; and they in turn paid little heed to legislative enactments in which they had no voice."

Under these circumstances, it is not to be wondered at that the leading spirits in the vicinity of the college had cherished a plan of securing a government of their own, with its centre in the Connecticut valley, and independent both of New York and of New Hampshire. When the Revolutionary congress issued precepts to the towns and classes of towns to send representatives to the congress to be held at Exeter, Dec. 21, 1775, Hanover and the five towns classed with it, as we have already seen, refused to choose a representative. While the legislature, which was constituted in January under the temporary constitution drawn by Hurd and others, was doing its work, there is plenty of evidence to believe that this Hanover, or, as it afterward came to be known, the college, party was actively at work sowing the seeds of disaffection with the Exeter government. These fell into a naturally fertile soil; and by the time the Exeter legislature adjourned, many of the Grafton county towns were in a state of incipient revolt against it.

Haverhill was one of these disaffected towns, and when Hurd returned home, filled with a spirit of patriotic devo-

tion, not only to the Continental congress but also to the Exeter government, he found a state of affairs which he must have regarded as truly lamentable. His Boston birth and training had naturally made him an ardent revolutionist, but at the same time John Wentworth had been his patron; he was one of the few men in the grants who had been high in favor with the provincial government, and one of the few who had come to the country, not direct from Massachusetts or Connecticut, but by the way of Portsmouth, where he had been in full fellowship with the exclusive set that had controlled the province. He was disposed to look upon disloyalty to the Exeter government as disloyalty to the country, and had, in fact could have had, little appreciation of the causes of dissatisfaction which existed in his own and in other towns.

As for Col. Asa Porter, the evidence is not clear that he was in sympathy with the crown. He was certainly not in sympathy with the Exeter government. He was one of the most prominent citizens of his town, and it is not impossible that the fact that in the reorganization of the county court he had been dropped as one of the justices, while his neighbor Hurd had not only been continued as chief-justice, but had also been made the councillor for Grafton, recorder of deeds, and treasurer, and had returned home a kind of military dictator of the Cohos country, tended to embitter him against the new government, and to render his reception of his former colleague on the Grafton bench less enthusiastic than it might have been under some other circumstances.

Human nature was not essentially different in 1776 from what it is in 1888. It is not improbable either, that

Hurd, as a monopolist of county offices, may have been impressed with a consciousness of his own numerous responsibilities, and with the authority with which he had been entrusted. Col. Porter was doubtless outspoken in his opinions as to the failure of the Exeter government to send aid to the seriously threatened people of the Cohos country, and he immediately became an object of suspicion to Col. Hurd. They were not only neighbors, but as has heretofore been seen, Porter had befriended Hurd, and had endeavored to secure him justice from the Haverhill proprietors in his claim for the thousand acres of land before mentioned.

The conviction that fastened itself upon Hurd, that his friend Porter was "practising things inimical to his country," was not a pleasant one, and his duty in the case was still more unpleasant in its performance. He did not hesitate, however, but caused Porter's arrest, and after examination by the committees of Haverhill, Bath, and other towns, sent him with the witnesses in the case to Exeter for trial. There cannot be the least doubt that Hurd acted from the most patriotic motives, though he undoubtedly greatly damaged his own influence and popularity in the county by his action.

This paper is not the place to review the Porter case; but it may be said, in passing, that as a result of his trial by the Committee of Safety, at an expense to the state of £42 18s., he was placed under bonds, obtained sureties, appealed to the legislature, which after much delay permitted him to go to Boxford, Mass., and finally, in November, 1777, by vote of the legislature, he was allowed to return to his residence in Haverhill,¹ "to attend

¹ Prov. Papers, vol. 8, p. 717.

to his private concerns, he being of good behavior according to his bonds."

Col. Hurd's summer passed in Haverhill could not have been a pleasant one. It was full of anxieties caused by the Porter case, and by the growing disaffection with the Exeter government, which was being created by the college party. Haverhill and nine other towns of Grafton county sent their committees of safety to the Dresden convention of July 31, 1776. The address issued by this body was calculated to work great mischief, and increase the spirit of revolt against the new state government.

September found Col. Hurd again at Exeter, attending the legislature then in session, and actively engaged in the performance of his duties as a member of the council, while at the same time he was engaged in directing operations for the defence of the Cohos country, and in organizing the companies of rangers which had been authorized.

The address of the Dresden convention bore its fruit in the refusal of the inhabitants of Grafton county to obey the precepts issued in the name of the council and house of representatives for the choice of a councillor and members of the assembly at the election of 1776. The meetings were held in the various classed towns in obedience to the precepts, and committees were chosen to return the precepts together with the reasons for non-compliance. These reasons were similar in each case, and doubtless were inspired at Dresden. They were, in brief, because the plan of representation was inconsistent with the liberties of a free people; because the classification of towns for purposes of representation was in violation of an undoubted right; because only freeholders were

entitled to election ; because no bill of rights had been drawn up or form of government entered into subsequent to the Declaration of Independence ; because a council having the power to negative the proceedings of the house of representatives was dangerous ; because, if a council was necessary at all, it should be chosen on a general ticket instead of by districts.

This latter objection was raised not only by the people of the towns of the western part of Grafton county, but there was also a strong feeling against the council in other sections of the state, and to the manner of its election. The name chosen for this branch of the legislature was unfortunate, since the old provincial council had been regarded by the people as identified with many abuses in the administration of justice and of public affairs. The fact that the congress of December, 1775, took it upon itself to elect the council for which the constitution of January, 1776, provided from its own membership, did not tend, either, to increase the popularity of this body.

In the council of 1777, Grafton was therefore unrepresented, and in the disorganized state of affairs there were probably no judicial duties requiring Col. Hurd's attention. The feeling of revolt against the state government was general, and in his loyalty and devotion to it he probably had but a small following. His position at Haverhill was constantly becoming a more and more unpleasant one. He might have sought relief in military service had not the state of his health forbidden, as appears from the following extract from a letter of his to Capt. Thornton, under date of Haverhill, Sept. 30, 1777 : " I am extremely chagrined that my infirm limbs

will not permit me to share the toils and dangers of the field with my countrymen. I have spared two of my family and sent them off with horses and provisions for nearly a month: one of them my son Jacob, though hardly of age sufficient, but a well grown lad of good heart and disposition to supply his father's place."

Not long after this, probably near the close of the year, Col. Hurd left Haverhill. His position, unpleasant in any case, must have been rendered doubly so had he remained until the return of his neighbor, Col. Porter, who came to his old home near Hurd's residence in November or December, 1777. He could certainly hope to accomplish little for the New Hampshire government by remaining in Haverhill; and beyond question he promoted his own peace of mind by his removal, if anything may be judged from the tone of an extract from a pamphlet which appeared in December, 1778, entitled "A Public Defence of the Right of the New Hampshire Grants (so called) on both sides Connecticut River to Associate together and form an Independent State."¹ This pamphlet was signed by Jacob Bayley, Elisha Payne, and Bezaleel Woodward. Its reference to Col. Hurd is as follows: "As to those who have applied for relief &c. we know of none, except Col. John Hurd of Haverhill at Cohos (who to the great joy of the people has removed out of that part of the country, a mutual dissatisfaction having arisen between him and the people) who has made application to the assembly of New Hampshire and from them obtained a summons or order to notify a certain gentleman living in said Haverhill to appear before said assembly to answer to certain defamatory

¹ Prov. Papers, vol. 10, p. 318.

charges some time or other laid in by him against said Hurd. Also one Nathaniel Hovey lately living in Enfield [who is well known to have been a litigious person from his youth up, and consenting to be a tool for said Hurd to assist him in holding certain lands which he claims in said Enfield] who occasioned such a disturbance in the town that they warned him to depart, and after some time (he not obeying the order) the constable by warrant from the selectmen proceeded to remove him and family towards his last settlement."

Grafton county was evidently not a pleasant place of residence for Hurd or for his friends in the year 1778. It is significant of the bitterness of the feeling against him that one of the names appended to the document was that of his old colleague on the bench, Bezaleel Woodward, and another that of his old-time friend, Col. Jacob Bayley.

It is not impossible that Col. Hurd was an adherent of the Protestant Episcopal Church, as at this time there were quite a number of Protestant Episcopalians in Haverhill who had made an appeal to the Society for the Propagation of the Gospel in Foreign Parts for aid in establishing regular services. If he was an Episcopalian, this fact may account for some of the feeling which existed against him, and for Grant Powers's scant mention of him in his "History of the Coös Country."

It would be interesting to know how much of his large landed estate in the county Col. Hurd was able to retain, but this the writer of the present paper has not been able to ascertain. He probably removed to his old home in Boston. His wife died there in 1779, as appears from the following inscription on a stone in the Granary bury-

ing ground: "In Memory of Mrs Elizabeth Hurd the amiable and virtuous consort of John Hurd Esq. who departed life the 14th day of November 1779 æ 48." Another inscription from a stone near by is as follows: "To the memory of John Hurd, Jun' an officer in the late Massachusetts line of the Continental army. Obit 20 Aug 1784 An^o æt. 24."

Col. Hurd himself died in 1809 at the age of 82, and was probably buried in the old Granary ground, though no stone can be found to mark his resting-place.

After his removal to Boston he seems to have engaged in no public service, but to have pursued the business of broker and insurance agent. The following letter from him, under date of Boston, June 27, 1783, is not wholly without interest:

Gentⁿ

I have yr favor of 22^d May last informing of what is very agreeable to me, to hear, that the County of Grafton are again in ye exercise of their civil authority, and the Court of General Sessions have appointed you a committee for the settlement of ye public acc^t of the county—that you should be glad to wait on me as soon as my business will permit to receive & settle my acco^t as Treasurer of the County, which you may depend shall speedily be done—I fully intend being up at Plymouth & Haverhill early in the fall, please God I have my health, when I will have my acco^t along with me in readiness to exhibit w^{ch} I trust will be to y^r satisfaction—

In the meanwhile with thanks for y^r kind expressions in my favor

I am, Gentlemen

Your most hum^l Servt,

JOHN HURD

Messrs.

Saml Emerson	} Esqrs
Cha ^s Johnston	
Moses Dow	} Committee

This adjustment did not take place so soon as Col. Hurd anticipated, as appears from the following receipt given by him to Bezaleel Woodward, county treasurer :

HANOVER September 21st 1793

4 / 10 Received of Bezaleel Woodward Esqr Treasurer of the County of Grafton four shillings and ten pence in full of the balance of an account adjusted between me as former Treasurer of said county & a committee of the Sessions for said county in Sept 1790—

Also received of him at same time two pounds £2, 17, 6 seventeen shillings & six pence on account & in part of interest money paid by me to Mr Carter July 1788 which was omitted in my said accounts when adjusted

JOHN HURD

£3, 2, 4

The place of John Hurd in the history of Grafton county is not only an important but an honorable one. He filled important positions of trust with signal ability, and discharged with fidelity the obligations imposed upon him by his king, his state, and his constituents. His removal from the state was doubtless more her loss than his own; and in so far as his removal was enforced, he was a victim to his loyal devotion to the state of New Hampshire, and to the conscientious performance of duty as he saw it. Subsequent events fully justified his course and proved his foresight, for within five years after his removal from Haverhill, both the leaders of public opinion and the people themselves were brought, either willingly or unwillingly—but in any event were brought—to an acceptance of a situation which he, from the outset, regarded as right and politic, foresaw to be inevitable,

and for advocating which he was, by the force of superior numbers and the persecution of those who should have recognized his eminently patriotic services, virtually driven from the county.

A brief glance at the progress of these events fully establishes this. The refusal of Grafton county to elect a councillor or member of the general Committee of Safety extended over two years, and in 1777 and 1778 the county was unrepresented in the upper branch of the state legislature. During these two years the movement for the union of the towns lying west of the Mason Grant and east of Connecticut river, with Vermont, advanced so far that sixteen of these towns, counting Dresden as a part of Hanover, were duly represented in the Vermont assembly. But such was the pressure brought to bear upon the political leaders in Vermont in opposition to this union that they gave the delegates from these towns signal offence by refusing to erect counties east of the river, a measure which was demanded by the delegates as indispensable to good government. This refusal on the part of the Vermont assembly led to a dissolution of the union which these towns had formed with Vermont. The college party then sought to influence the New Hampshire authorities to claim jurisdiction in Vermont west of the river, and there was, in the latter part of 1778, a strong reaction in favor of the New Hampshire state government. There was need of a leader to take the place which, had not Hurd been driven away, would have naturally been taken by him. Such leader seems to have been found in the person of Col. Charles Johnston, of Haverhill, who in August, 1775, had been made lieutenant-colonel in Col. Israel Morey's regiment. He

had adhered to the provincial government of New Hampshire, and seems to have been in no way involved in the schemes of the college party. His methods may possibly have been more conciliatory than those of Col. Hurd, but he was beyond question in hearty sympathy with the views of the latter.¹

President Meshech Weare, in a letter under date of August 19, 1778, estimated that from one third to one half the people in the disaffected valley towns had been averse to the schemes of the college party; but these people were almost destitute of leaders of ability after the removal of Col. Hurd, excepting Col. Johnston and one or two others. It is not impossible, however, that for the sake of political effect President Weare exaggerated the strength of the friends of the provincial government. But advantage was taken of the discomfiture of the college party, and to the council of 1779 Col. Johnston was elected for Grafton county by the votes of such of the towns as had been loyal to the provincial government, and the votes of some of the towns which had met with such a decided rebuff from Vermont. From 1779 on, Grafton was represented in the council, Col. Johnston alternating in that office with Francis Worcester, of Plymouth, until the adoption of the new constitution in 1784. Haverhill, however, had no representation in the New Hampshire assembly till 1783.

During Col. Johnston's second term as councillor, in 1781, another union with Vermont of the towns in New Hampshire east of the river was consummated, thirty-four towns joining it. Vermont proceeded to exercise its jurisdiction over this disaffected territory, and Col.

¹ Prov. Papers, vol. 10, p. 278.

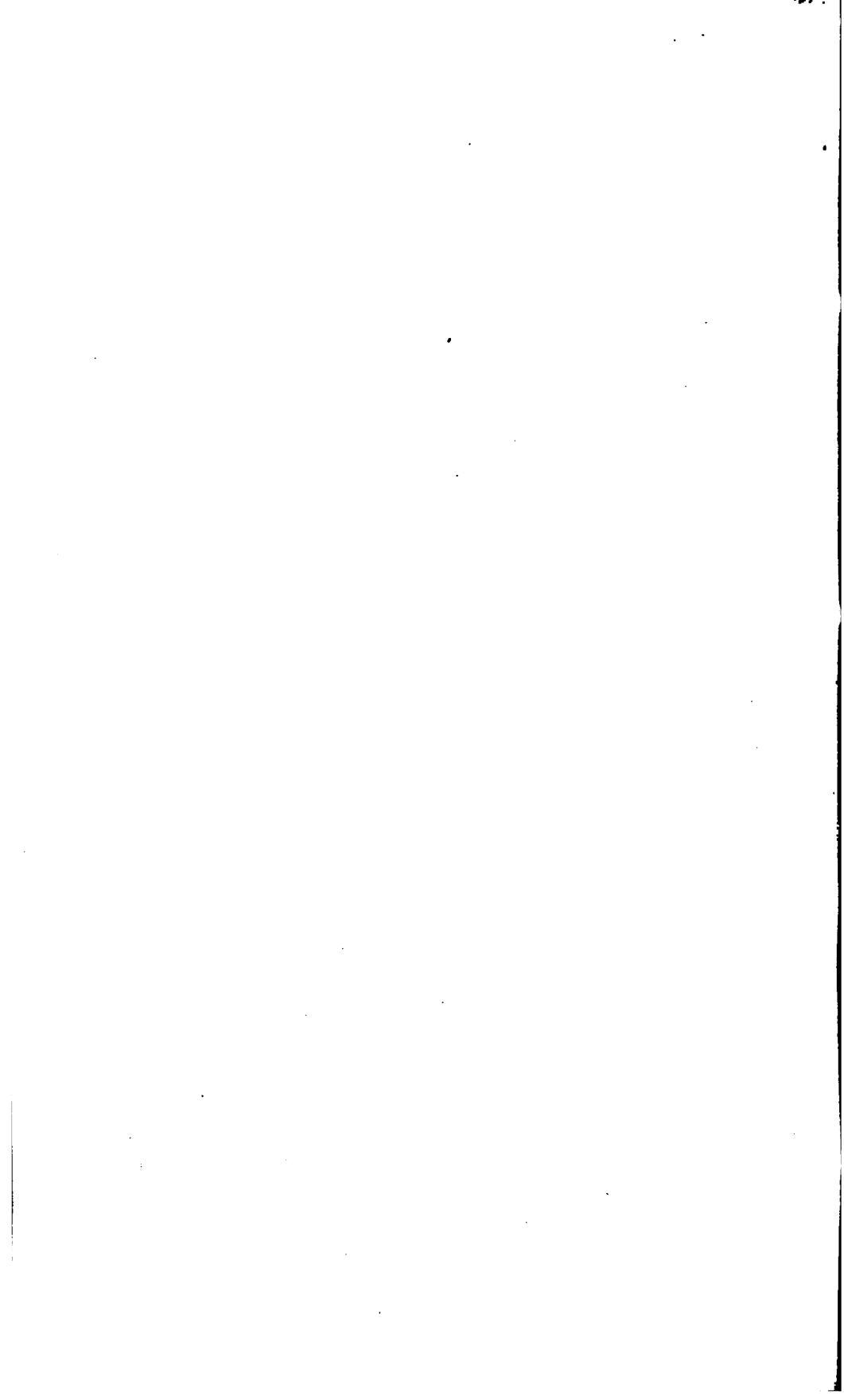
Israel Morey of Orford, Elisha Payne of Lebanon, and Bezaleel Woodward of Hanover accepted office under Vermont. Active measures were now taken by New Hampshire authorities to maintain the jurisdiction of their state to the river, by force if need be. Col. Morey was removed from the command of his regiment, and it was given to Col. Johnston in January, 1782.¹ Col. Johnston was also appointed judge of probate for the county of Grafton in place of Israel Morey, and the latter was directed to turn the records over to him. New Hampshire was sustained in its vigorous policy by the Continental congress, and the good offices of Gen. Washington prevented the employment of the military.

now called In January, 1782, the Vermont assembly again ~~renewed~~ its claim of jurisdiction east of the river, and the disaffected towns there, by the inevitable logic of events, came at last under the jurisdiction of New Hampshire. Col. John Hurd, from his Boston home, had, with the establishment of the independence of the colonies, the satisfaction of learning of the establishment also of the jurisdiction of New Hampshire over the whole region of country from which, for his labors to this very end, he had been forced, as his enemies said, to remove, "to the great joy of the people." The result was a complete justification of the policy he had advocated, and a triumphant vindication of the course he had pursued. His career in Grafton county seemed, at the time of his removal, to have been a failure; but if, as seems probable, his labors and sacrifices in behalf not only of the cause of independence, but of the state of New Hampshire, were a determining factor in securing the

¹ Prov. Papers, vol. 10, p. 575.

territorial integrity of the state, and the final defeat of the schemes of the college party, his career furnishes a marked illustration of those not uncommon failures which are really successes.

[NOTE. The writer of this paper wishes to acknowledge the material aid rendered him in its preparation, in the way of suggestion and data furnished, by Hon. A. S. Batchellor, of Littleton.]







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